IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER, a.k.a. **Ray Gordon,** d/b/a **Snodgrass Publishing Group**, 4247 Locust Street, #806 Philadelphia, PA 19104 Plaintiff, v. **Learn The Skills Corp.**, et al. Defendants.	: : : : : : : : : : :	**CASE NO.:** 05-cv-2752 **Hon. Harvey Bartle, III**

FILED
SEP 15 2005
MICHAEL E. KUNZ, Clerk
By ______ Dep. Clerk

PLAINTIFF'S BRIEF IN OPPOSITION TO
DEFENDANT MATTHEW S. WOLF'S MOTION TO DISMISS

Plaintiff Gordon Roy Parker, in the above-styled action, submits this Brief In Opposition to Defendant Matthew S. Wolf's Motion To Dismiss and Memorandum in support thereto. Since the Motion sets forth no facts, the Memorandum in support will be addressed here, along with the relevant parts of the motion.

I. INTRODUCTION/FACTS/PROCEDURAL HISTORY

The Motion

Once again, Defendant Wolf ("Defendant") has moved beyond his standing to dismiss the ***entire*** complaint rather than just those counts directed at himself.[1] This is the same conduct cited by Plaintiff in the complaint as an abuse of process. While Mr. Wolf is certainly free to argue that ***he*** should be dismissed as a Defendant, he could not possibly have performed the due diligence necessary to argue for anyone but himself, including the several alleged co-conspirators from whom he was attempting to "distance" his former client, Defendant Learn The Skills Corp. ("LTSC"), and he should not speak for any Defendant other than himself. While it

[1] Defendant's Cross Motion, p.1. This does appear inconsistent with his Memorandum and Proposed Order, which move for dismissal only to Defendant Wolf, but the language of the Motion should be noted by the Court nonetheless.

should be obvious to the court, Defendant's motion also states that ***"Plaintiff*** requests an entry of order dismissing this Complaint in its entirety with prejudice." ***Defendant*** Wolf is not the plaintiff in this case; Plaintiff is.

The Memorandum

Defendant, a lawyer whose practice is located in ***New Jersey***, argues against Plaintiff's Complaint with predictable indignation, going as far as to refer to them as "incomprehensible":

> Plaintiff alleges against me specific facts contained on pages 45 and 46 of his Complaint, a copy of which is attached as Exhibit A to Penn's Motion to Dismiss. At pages 52 and 53 of the Complaint, specific incomprehensible allegations are made against me as to my participation in a conspiracy which falls under Count I of the Complaint. At page 71, there is Count X of the Complaint against me entitled "abuse of process."[2]

II. LEGAL STANDARD/ARGUMENT

Legal Standard For Motion To Dismiss

A motion to dismiss under Rule 12(b)(6) "is viewed with disfavor and is rarely granted." (Shipp, 234 F.3d 907, 911 (5th Cir. 2000); *cert. denied* _U.S._, 121 S. Ct. 2193, 149 L.Ed.2d 1024 (2001)(quoting Kaiser Aluminum & Chem. Sales v. Avondale Shipyards, 677 F.2d 1045, 1050 (5th Cir. 1982)). The question therefore is whether in the light most favorable to the plaintiff and with every doubt resolved in his behalf, the complaint states any valid claim for relief. (5A Charles A. Wright & Arthur R. Miller, ***Federal Practice and Procedure***, §1357 (2nd ed. 1990)).

The legal standard for a Motion To Dismiss is also well-established: when considering a motion to dismiss for failure to state a claim for relief under Fed.R.Civ.P. 12(b)(6), the Court will only dismiss a claim if it is clear that the plaintiff could prove no facts which would entitle plaintiff to relief under the law. (Jenkins v. McKeithen, 395 U.S. 411, 89 S.Ct.

---

[2] Defendant's Memorandum, p.1.

1843, 23 L.Ed.2d 404 (1969)). The complaint must be liberally construed in favor of the plaintiff, and all facts pleaded in the complaint must be taken as true. (Shipp v. McMahon, 234 F.3d 907, 911; Campbell v. Wells Fargo Bank, 781 F.2d 440, 442 (5th Cir.), *cert. denied*, 476 U.S. 1159, 106 S. Ct. 2279, 90 L.Ed.2d 721 (1986).)

The legal standard for abuse of Process in Pennsylvania was summarized by the Pennsylvania Superior Court in Rosen v. American Bank, 27 A.2d 190, 426 Pa. Super. 376:

> The gravamen of the misconduct for which the liability stated in this Section is imposed is not the wrongful procurement of legal process or the wrongful initiation of criminal or civil proceedings; it is the misuse of process, no matter how properly obtained, for any purpose other than that which it was designed to accomplish. Therefore, ***it is immaterial that the process was properly issued, that it was obtained in the course of proceedings that were brought with probable cause and for a proper purpose, or even that the proceedings terminated in favor of the person instituting or initiating them.*** The subsequent misuse of the process, though properly obtained, constitutes the misconduct for which the liability is imposed under the rule stated in this Section. (Emphasis Added).

Legal Standard For A RICO Action

Defendant has not even argued against Plaintiff's RICO claims. Nevertheless, the Legal standard for a RICO action relevant to the claims against Defendant is summarized in Beck v. Prupis, No. 98-1480, 2000, where the United States Supreme Court held:

> "Under our interpretation, a plaintiff could, through a §1964(c) suit for a violation of §1962(d), ***sue co-conspirators who might not themselves have violated one of the substantive provisions of §1962.***" (Emphasis Added).

To summarize, Plaintiff is alleging abuse of process by virtue of Defendant's unauthorized "representation" of the co-conspirators of the RICO enterprise in Parker v. Learn The Skills Corp. (I), E.D.Pa. #03-cv-6936, from which he was attempting to distance his client, LTSC. Specifically, Defendant had moved this court for "entry of an order dismissing the Amended Complaint ***in its entirety***, with prejudice."[3]

[3] A copy of that motion is attached hereto as Exhibit A and incorporated by reference as if set forth fully verbatim herein.

Argument

A. Plaintiff's Claims Are Not Incomprehensible; Further, Defendant Did Not Move For A More Definite Statement Pursuant To Federal Rule 12(e)

Defendant, ***a practicing attorney,*** claims he cannot make sense out of Plaintiff's claims:

> Plaintiff's claims against me are completely unintelligible. He has not set forth a comprehensible claim. This is the third time he has tried to do this against Learn the Skills Corp. and other defendants since the court has twice dismissed his pleadings in his previous lawsuit. Attached hereto are the Court's rulings pertaining to those pleadings. Since these claims have been dismissed twice before and the Plaintiff's claims continue to be so vague and incomprehensible, the Court should dismiss them pursuant to Fed.R.Civ.P. 12(b)(6).[4]

1. Plaintiff's Claims Are Not Only Comprehensible, But Simple And Easy To Understand.

Defendant relies upon the dismissal ***without prejudice*** of Parker v. LTSC (I) ("the first lawsuit"), as if it were some type of adjudication on the merits, when the dismissal was anything but: specifically, in the first lawsuit, Judge Kelly (who died mere months after issuing this ruling) dismissed the claim not because it lacked merit, and not even because it was incomprehensible to an attorney, but because Defendant Geiger was representing himself. This Court need not look beyond this section of the Order of Dismissal:

> "Although pro se complaints are held to a less stringent standard than those drafted by legal counsel, the concern of pro se Defendant Geiger that he has been bombarded with an exceedingly long and confusing complaint cannot be ignored."[5]

While Defendant is proceeding pro se, he is a licensed, practicing attorney who is not held to this standard; no such similar "concern" would apply to him. Further, it is disingenuous to say that this Complaint cannot be answered, as the averments specific to each Defendant were enumerated separately, with factual averments which can either be admitted or denied. Plaintiff has laid out these facts concisely, logically, and in a manner which is easy to answer. What is clear, however, is that Defendant appears not to want this case to reach that stage, and instead would rather the process be short-circuited.

---

[4] Defendant's Memorandum, p. 1.

[5] Order dismissing Parker v. LTSC (I), pp. 5-6.

In Downing v. York County District Attorney H. Stanley Rebert, et al, the defense attorneys in that case responded to a motion to strike with sentiments which closely mirror Plaintiff's arguments here. Indeed, that response cited Parker v. LTSC (I). Counsel for the Defense in that case argued:

> The Plaintiffs are alleging claims related to a pattern and practice of behavior of unlawful or improper conduct that spans ***four years***. They were required to establish that such a pattern or practice existed. Had they not included allegations to support such a claim, Defendant Rebert would no doubt have filed a motion pursuant to Rule 12(b)(6) arguing that the Plaintiffs have failed to state a claim upon which relief can be granted. ***It was inevitable that Defendant Rebert would file a motion to attack the Complaint; it was just a matter of whether that motion would argue that the Plaintiffs have said too little or too much.*** (Emphasis Added).

Plaintiff's abuse of process claims are easy to understand: Defendant, who was representing only LTSC, moved this court to dismiss the ***entire*** Complaint, even providing arguments based on facts for which he could not possibly have performed any due diligence. He was not retained by the other defendants, and was therefore acting beyond the scope of his representation and therefore abusing the legitimate process of a motion to dismiss for the client he was representing. This is not difficult to comprehend factually; any arguments against this claim should be based on the law. The same is true of the RICO claim under 18 USC 1962(d), for if the abuse of process claim is valid, then any arguments against the RICO claim should be setting forth why the standard set forth in Beck v. Prupis does not apply here, yet no such arguments are made.

2. **Defendant should have moved for a more definitive statement pursuant to Rule 12(e) rather than for dismissal pursuant to Rule 12(b)(6).**

This Court should also note that this argument is not properly pled: a motion which claims that a Complaint is "unintelligible" should be filed pursuant to Federal Rule 12(e) rather than 12(b)(6), yet no such pleading is made by Defendant. For that reason alone, his motion should be denied.

Even if this court construes Defendant's Motion as one pursuant to 12(e), and does so favorably to Defendant, dismissal is still not appropriate, but rather Plaintiff should be given leave to Amend the Complaint. Defendant has argued (in conclusory fashion) that Plaintiff is not conforming with the rules to the point that he should be barred from filing future actions without leave of the court,[6] yet he is not even moving under the correct rule.

B. Defendant Is Not Entitled To Immunity

Defendant's argument is incredulous:

> The gist of the Plaintiff's claims against me appear to be that he believes that I have conspired against him on behalf of other people. All of the allegations relate to contentions, statements and averments in pleadings filed with the Court. I am entitled to absolute judicial immunity for such actions. See Post vs. Mendel, 510 Pa. 213, 219-220, 507 A.2d 351, 354-355 (1986), FDIC. v. Bathgate, 27 F.3d 850, 871 (3 Cir. 1994).[7]

1. **The conduct was not material to the "action" for the purposes of this claim.**

In FDIC v. Bathgate, the issue of privilege related to statements made in pleadings ***by the attorney of record***. Specifically, that court noted that "allegations made in pleadings filed in an action are privileged ***as long as they have some relation to the action.***" In this case, the only legitimate relation to the "action" in question was limited to the motion by Defendant to dismiss the claims against LTSC and to quash the subpoena to Business Filings, Inc. (its registered agent). In the instant case, Defendant was not representing the parties for whom he moved this court, and his statements were therefore wholly unrelated to the action. To hold otherwise would be to let any attorney, in any situation, make any statement in a pleading, for any purpose, and claim that it was "related" to the matter at hand. This court need not rewrite the law to separate the instant case from this precedent, as it is almost unheard of for an attorney to move on behalf of a party he does not represent.

---

[6] Defendant's Memorandum, Conclusion, ¶ III, p.2.
[7] Id, ¶ II(B), p.1.

2. **The abuse of process claim relates to moving on behalf of unrepresented parties, not the statements made pursuant thereto.**

Even if this Court were to consider the statements made on behalf of the unrepresented parties to be material to the litigation, the immunity alleged here is irrelevant because it does not relate to the statements themselves, but rather the ***action*** of moving this court on behalf of parties whom Defendant was not representing, a clear abuse of the process of moving the court on behalf of his own client.

3. **Attorneys are not immune to actions for malicious prosecution.**

Under Pennsylvania law, malicious prosecution is divided into two distinct categories: 1) abuse of process, a common-law tort, and 2) the Dragonetti Act, which is codified (in pertinent part) as follows:

> § 8351. Wrongful use of civil proceedings.
>
> (a) Elements of action.--A person who takes part in the procurement, initiation or continuation of civil proceedings against another is subject to liability to the other for wrongful use of civil proceedings:
>
> 1. he acts in a grossly negligent manner or without probable cause and primarily for a purpose other than that of securing the proper discovery, joinder of parties or adjudication of the claim in which the proceedings are based; and
>
> 2. the proceedings have terminated in favor of the person against whom they are brought.

Since the underlying claim for the motion to dismiss did not terminate in Plaintiff's favor (but was dismissed without prejudice, so it did not fully terminate in favor of

Defendant), only the tort of abuse of process would apply. However, the motion to quash the subpoenas for the unrepresented parties could be construed as the initiation of civil proceedings, and that motion did terminate in Plaintiff's favor (the motion was denied as to the unrepresented parties due to lack of standing), if this Court holds that the motion to quash was an "initiation" for purposes of the law insofar as Defendant acted on his own volition rather than continuing an action for the other parties, it may apply.

The Dragonetti Act, as set forth above, allows for recovery against "a person who takes part" in violating the act. This includes attorneys. (multiple citations omitted). Given that attorneys can be held liable for malicious prosecution under Dragonetti, they also can be held liable for malicious prosecution under the tort of abuse of process. See, e.g., Werner v. Plater Zyberk, 2002 Pa.Super. 42, 799 A.2d 776 (Pa.Super. 02/21/2002). In Werner, attorneys Stephen A. Winston (Esq.), Berger & Montague, P.C., Joseph Posillicio (Esq.), and Synnestvedt & Lechner, L.L.P. Appellees were all named as defendants in an abuse of process action.

Defendant is trying to "jam a square peg into a round hole" by ignoring the statutory and common-law basis for filing suit against attorneys for conduct relating to legal proceedings by citing an immunity that relates to defamation. This argument is disingenuous.

3. **The abuse of process claim is irrelevant to the RICO action**

Plaintiff has argued that the abuse of process was done for the purpose of aiding and abetting a RICO enterprise. The actions taken constituted providing valuable legal assistance which was paid for from the profits of the enterprise. Specifically, the co-conspirators acted out against Plaintiff for the benefit of LTSC, and LTSC then turned around and provided an unauthorized attorney to help get the conspiracy charge dismissed. Even without the abuse of process/malicious prosecution claim, the RICO claim would survive either way.

C. Plaintiff's Damages Were Not Caused By Incompetence And Extend Beyond The Dismissal Of The Litigation.

Defendant argues:

> The Plaintiff cannot complain regarding any adverse result from the first lawsuit since it was dismissed without prejudice by Order dated October 25, 2004, and he was given the opportunity to re-file an Amended Complaint and cure deficiencies. See Exhibit A attached hereto. He did re-file an Amended Complaint but the Court dismissed that as well. See Exhibit B attached hereto. It was the Plaintiff's own failure to properly plead his first lawsuit that lead to any adverse consequences he suffered. Plaintiff has not alleged any damages caused by me that were not, in fact, actually clearly caused by himself and his own shortcomings in the eyes of the Court.[8]

Defendant has neglected the basis for the damage claim: the "full circle" path of the RICO activity yielding business for LTSC, which in turn paid for the attorney who argued on behalf of those engaging in the RICO activity for the benefit of LTSC. The last thing anyone truly not involved in a conspiracy would do is supply an attorney to the alleged co-conspirators, but that is exactly what LTSC did. Contrary to Defendant's claims, this was set forth very clearly in paragraphs 245-247 of the Complaint, which states the following:

> 245. Defendant Wolf acted with the ulterior motive of harming Plaintiff's ability to prosecute Defendant LTSC by cutting off discovery against the other Defendants which may or would have further implicated Defendant LTSC.
>
> 246. As a direct and proximate cause of Defendant Wolf's conduct, Plaintiff suffered further economic harm at the hands of the Seduction Mafia, who felt empowered through their "ghost attorney."
>
> 247. Defendant Wolf's conduct constitutes the bestowing of economic benefit upon all Defendants for whom he moved to have Parker v. LTSC dismissed.

The key here is the empowerment and encouragement to the co-conspirators to continue to act out against Plaintiff. The benefit extends beyond the legal action itself, and presents "smoking gun" evidence of a ***quid pro quo*** whereby the co-conspirators would post messages in violation of RICO to harm Plaintiff, while simultaneously promoting the LTSC website by attempting to enforce the "ASF FAQ" document whereby LTSC declares itself an

[8] Id, ¶ II(C), p.2

"owner" of a public USENET group (one of the only places on the internet where true free speech thrives, and which is strongly in the public interest to protect), and to even go a step further by declaring the USENET group as "dead," with Plaintiff to blame, and using that as a pretext for redirecting traffic to a commercial website. This is akin to a private citizen setting up a toll booth in a public park or public square and charging admission.

III. CONCLUSION/REQUEST TO STRIKE DEFENDANT'S CONCLUSION

Defendant once again extends his arguments well beyond the scope of his Motion, stating the following in his Conclusion, crossing the boundaries of civility and standing while ignoring the realities of life as a whistleblower and a businessman in the "internet jungle." His Conclusion is repeated here in its entirety because, even though the allegations are conclusory, they attempt to achieve the same end as an argument:

> ***The Plaintiff, a serial litigant, has no respect for the Court, the parties, or counsel and his pleadings, at best, exhibit a corrosive narcissism.*** It appears that the claims against me are a ***direct result of that state of mind*** and they do not, as a matter of law, form the basis for claims recognized by any legal authorities. The Plaintiff failed in his last lawsuit and blames one of the defense attorneys. Even if his claims made sense, and they don't, I am entitled to judicial immunity. I ask that the Court dismiss the claims against me with prejudice. And although ***I am sure that the Plaintiff will consider me to be engaging in a seduction-mafia-conspiracy,*** the Court should bar the Plaintiff from filing any future complaints unless he applies for and is granted permission to do so by the Court. His conduct is as bad and contemptible as, if not worse than, the many *pro se* frivolous prisoner lawsuits the federal Courts see so often. This Court has the authority to do this. See, e.g. Safir vs. U.S. Lines, Inc., 792 F.2d 19 (2 Cir. 1986). His conduct and results not only in the waste of my time in having to respond to this matter as a party, but his repeated lawsuits cause a waste of valuable judicial resources. More important cases will be impacted as a result of the Court having to pay attention to this case so the ripple effect of this professional litigant is felt across the judiciary and it hurts parties who need the court's attention. It is unfair to them to allow Plaintiffs like the one in the case at bar to repeatedly file frivolous and baseless lawsuits.

Defendant ends his pleading with a series of unsubstantiated and legally unsound "low blows." Rather than sink to Defendant's level, Plaintiff will argue logically against each point raised:

1. **Defendant's argument that Plaintiff is a serial litigant who has no respect for the Court, the parties, or counsel is unfounded.**

Defendant has no basis for making this Claim, and in fact the claim is indicative of the type of conduct which has necessitated Plaintiff filing suit. Defendants miscalculated by assuming that because Plaintiff is not a man of means, that he could not defend himself, and when Plaintiff "knuckled down" and managed to put together a well-pled complaint, timely filed, properly formatted, and within the rules, and when confronted with a target who could "fight back" by using the system because his legal skills are sufficient to give him the same recourse as those who can afford counsel, this Defendant strikes back by fighting dirty. Plaintiff, despite being ***pro se***, has made every effort humanly possible to plead his case possible. If Defendant wishes to attack his pleading, he should do so with valid argument and citation, not a "flame" more typical of the USENET groups which helped to spawn this action.

Plaintiff is no more a "serial litigant" than those he sues are "serial tortfeasors":

a. Google (Parker v. Google) copies his website and uses the content to sell advertising; Plaintiff filed suit, as have several copyright holders (such as in Perfect 10 v. Google) who prefer not to let third parties profit from their content. Plaintiff does not recall Perfect 10 being characterized this way. This case is before this Court. Judge Kelly died recently, so the case has been in "limbo," but Plaintiff's claims are hardly frivolous.

b. The University of Pennsylvania (Parker v. UPenn (I and II), E.D.Pa. #02-cv-567 and 02-cv-4874) was sued twice by Plaintiff, first over their affirmative-action plan, which does not recognize that white males are ever discriminated against, and which creates an equal-protection argument, and over retaliation continuing from the past into the present. In the second lawsuit (filed Monday), Plaintiff had uncovered evidence of gender discrimination based on Vignali v. Penn, where Tina Vignali claimed she was sexually harassed after being hired for a job she said was created "especially for her." Plaintiff argued that this constituted gender discrimination because no men were considered for her position. Ms. Vignali was subjected to horrible sexual harassment, and Plaintiff, as a whistleblower, was seen as a threat to speak up about it and retaliated against as well, as he alleges. His first lawsuit against UPenn, which survived a motion to dismiss, is on its way to the SCOTUS.

c. Eric Tilles (Parker v. Tilles, Phila. CCP) told the ***Daily Pennsylvanian*** that "Penn officials are unsure if [Plaintiff] ever worked for Penn." Plaintiff later uncovered evidence which showed that this was untrue. The case was decided as a matter of law and Plaintiff chose not to appeal.

d. In Parker v. Comcast (E.D.Pa. #05-mc-157), Plaintiff petitioned this court for prefiling discovery when a Comcast user (believed to be Defendant Ross in this case) claimed in a USENET posting that Plaintiff had sent a threatening e-mail to a woman he never met or knew, and who likely never existed. The e-mail was forged, defamatory, and the USENET posting encouraged third parties to "visit" Plaintiff and harm him. Again, this is hardly frivolous.

e. In the three incarnations of this case, the first was dismissed because Plaintiff could not serve any Defendants, despite making every effort to do so and not being granted an extension of time, or in the case of UPenn, because they claimed they couldn't identify Wintermute. In the second case, Plaintiff's complaint was dismissed without prejudice, and in this one, he has presented evidence that UPenn committed perjury for the purpose of "hiding" Wintermute in order to aid and abet the Seduction Mafia.

These are all legitimate cases that are the results of the difficulty of anyone to bring multiple tortfeasors to justice, the "jungle" that is the internet, retaliation against whistleblowers, and the compound impact of being an effective whistleblower against multiple parties who "gang up" in an attempt to overload a Plaintiff who is in a unique position to file suit, even without the wealth usually required to protect one's rights. Each case should be judged individually, and to that extent, Plaintiff has never been sanctioned, all but one of his cases is still "live" (if you incorporate the first two versions of this lawsuit into the third), and he has never had a court deem any of his filings to be frivolous. The Third Circuit even justified not appointing counsel for Plaintiff because of his "strength as a presenter of arguments." (Parker v. UPenn (I), 3rd Cir.).

2. **Defendant's argument that Plaintiff has a "corrosive narcissism" is not supported by any expert testimony.**

In Daubert v. Merrell Dow Pharmaceuticals, (92-102), 509 U.S. 579 (1993), the standard for presenting testimony requiring a licensed expert was laid down firmly. The SCOTUS held that "Expert opinion based on a scientific technique is inadmissible unless the technique is "generally accepted" as reliable in the relevant scientific community. The Federal Rules of Evidence, not Frye, provide the standard for admitting expert scientific testimony in a federal trial. Pp. 4-17." Not that Defendant has submitted any evidence to support his unqualified lay assertion concerning Plaintiff's state of mind, let alone any expert evidence properly gathered.

Defendant is an attorney, not a licensed psychologist or psychiatrist. Consequently, these statements should not only be disregarded by the Court, but struck from the record because they were made for the purpose of badgering and disparaging Plaintiff and carry no legitimate value in the pleading. The statements dovetail the nature of the perceived-disability harassment Plaintiff has endured that is central to this action, such as the conduct outlined in paragraph 34(21) of the Complaint, where "Aardvark" (a Ross Jeffries customer/fan) claimed he had sent a letter to this court, the DA, the media, and a host of other places in Philadelphia, concerning Plaintiff, which stated, in part that Plaintiff has:

> engaged in criminal activities on a regular basis. ***It is my sincere hope that you would be able to assist with the apprehension and seclusion from decent society of Mr. Gordon Roy Parker, be it in a jail or perhaps a mental institution should it be deemed fitting if Parker is declared incompetent.*** (Emphasis Added).

Absent proper enjoinment from this Court, it is a safe bet that Defendant's motion to dismiss will be quoted verbatim, with its accusations treated as fact, and used to form the basis of further harassing conduct, in and out of the courts. Neither Defendant, the other defendants, nor this Court should be surprised in the slightest that Plaintiff felt the need to seek redress for this god-awful behavior. Defendant seems to think that Plaintiff should simply "roll over and play dead" rather than defend himself. To call this defense against vicious attack "narcissism" is simply disingenuous.

3. **Defendant is correct: Plaintiff is accusing him of attempting yet again to further the RICO enterprise.**

It should be self-evident that Defendant's statements in his conclusion carry no legitimate purpose in this action, and are a blatant attempt to hide behind an alleged immunity in order to repeatedly ambush Plaintiff. There is a long history in jurisprudence where attorneys for RICO defendants wind up being charged as co-conspirators. It is up to the attorney in question not to cross the line. Plaintiff avers that in this case, before and yet again here, Defendant has.

4. **Plaintiff is not wasting resources.**

If anything, it is Defendant who is wasting Plaintiff's time by making him respond to this "low blow," and Plaintiff paid a $250.00 filing fee in this case. If that is not sufficient to cover the costs of processing the case, that is not Plaintiff's fault, for he is a citizen with equal rights to the courts, and who has paid his way. If there is anyone to "blame" for what is happening here, look no further than 47 USC §230, which has allowed internet providers (ISPs) to engage in total intransigence whenever someone is harmed by their users, by interpreting that law as providing them with an absolute immunity that leaves the courts as the only way to seek redress. Plaintiff assures this court that if ISPs were not immune, people would not risk losing their accounts in order to act out against him. Plaintiff should not be punished for doing what anyone who is attacked and who knows how to or can afford to defend himself would do in this situation.

5. **There are no grounds for denying Plaintiff his due process right to file suit without leave.**

Defendant speaks of a "ripple effect" throughout the judiciary caused by Plaintiff's lawsuits, while ignoring the ripple effect which would occur if this Court were to buy his arguments, namely to declare "open season" on Plaintiff, his business, and his employment rights among those who include defendants in this case and his other cases. He is sure that UPenn and the other defendants in this case would love to short-circuit his rights this way, but the chilling effect would come against the constitutional rights of individuals not to be targeted from multiple, simultaneous sources, as Plaintiff is now, with his business under attack by a mafia/cartel, and his employment under attack by UPenn and others he alleges discriminate.

Plaintiff has never been sanctioned under Rule 11, never had to pay a dime in attorney fees to the other side (except for a Rule 35 motion he intentionally defied because he had no other choice and which is still in the higher courts), never been sued for abuse of process or under Dragonetti, and two of his cases have made it all the way to trial or pretrial summary judgment. Those that did not make it that far were dismissed without prejudice and refiled. Plaintiff has the right to protect his business, his employment, and his person from the discrimination, defamation, unfair competition, and death threats which he has been targeted by for years. He only asks that his cases be judged on their merits and not swayed by Defendant's attempt to improperly carry a "flame war" from USENET over to the courts. To equate Plaintiff's conduct with that of the typical "frivolous prisoner lawsuits" is disingenuous and highly inappropriate given the circumstances.

For the reasons set forth hereinabove, Defendant Matthew Wolf, Esq.'s Motion To Dismiss should be **denied**, and his Conclusion (paragraph III of his Memorandum) should be struck from the record. An appropriate form of order is attached.

This the 15th day of September, 2005.

Gordon Roy Parker
Plaintiff, Pro Se
4247 Locust Street, #806
Philadelphia, PA 19104
(215) 386-7366
GordonRoyParker@aol.com

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER, a.k.a. **Ray Gordon,** d/b/a **Snodgrass Publishing Group,** 4247 Locust Street, #806 Philadelphia, PA 19104 Plaintiff, v. **Learn The Skills Corp.**, et al. Defendants.	: : : : : : : : : : :	**CASE NO.: 05-cv-2752** **Hon. Harvey Bartle, III**

FILED
SEP 1 5 2005
MICHAEL E. KUNZ, Clerk
By [signature] Dep. Clerk

CERTIFICATE OF SERVICE

I, Gordon Roy Parker, hereby certify that I have served the foregoing **Brief In Opposition To Defendant Matthew S. Wolf's Motion To Dismiss** on the following Defendants, by the following means:

Trustees of the Univ. of PA
Dennis G. Young (Counsel)
Montgomery, McCracken,
Walker & Rhoads
123 South Broad Street, 28th Fl.
Philadelphia PA 19109
Hand Delivery

Paul Ross
310 Tahiti Way
Marina Del Ray, CA 90292-678
Regular Mail

Matthew S. Wolf, Esq.
1236-K Brace Road
Cherry Hill, NJ 08034
Regular Mail

Thom E. Geiger
817 North McCrary Road
Columbus, MS 39702-4320
Regular Mail

Learn The Skills Corp.
955 Massachusetts Ave, #350
Cambridge, MA 02139
Regular Mail

Formhandle@fastseduction.com
Learn The Skills Corp.
955 Massachusetts Ave, #350
Cambridge, MA 02139
Regular Mail

This the 15th day of September, 2005.

[signature]

Gordon Roy Parker, Plaintiff, Pro Se
4247 Locust Street, #806
Philadelphia, PA 19104
(215) 386-7366
GordonRoyParker@aol.com

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER, a.k.a. **Ray Gordon,** d/b/a **Snodgrass Publishing Group**, 4247 Locust Street, #806 Philadelphia, PA 19104 Plaintiff, v. **Learn The Skills Corp.**, et al. Defendants.	: : : : : : : : : : :	**CASE NO.: 05-cv-2752** **Hon. Harvey Bartle, III**

ORDER

AND NOW, this ___ day of ____________, 2006, in consideration of **Defendant Matthew S. Wolf's Motion To Dismiss**, and all responses thereto, the motion is **denied.** A memorandum opinion is attached.

It is further ORDERED that Defendant Wolf's Conclusion (paragraph III of his Memorandum) be stricken from the record.

SO ORDERED.

____
J.